

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH BREITFELDER

Plaintiff

v.

SIMON LEIS, et al.

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CASE C-1-01-617

JUDGE BECKWITH

**PLAINTIFF'S MOTION TO
FILE A SURREPLY TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

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Now comes Plaintiff Joseph Brietfelder, by and through counsel and moves this Honorable Court for leave to file a surreply for the reason that the record should accurately reflect the circumstances of the Sheriff's offer of "accommodation" to Plaintiff. Therefore, Plaintiff respectfully requests this Honorable Court to grant his Motion for Leave to File a surreply.

Respectfully submitted,

/s/ Lucian Bernard
Lucian Bernard (0047159)
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon, Stephen Shaw and Susan Gertz, counsel for Defendants Leis and Hamilton County at 230 Ninth St., Suite 4000, Cincinnati, OH 45202-2151, this 12th day of January, 2004.

/s/ Lucian Bernard

**UNITED STATES DISTRICT COURT
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Defendants

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ORDER

This matter comes before the Court on Motion by Plaintiff for leave to file a Surreply. The Court finds the motion well taken and grants same.

JUDGE BECKWITH

DATE _____